THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1756 OF 2007

DATED 08th FEBRUARY, 2007

Between

Nadikatla Ramana Rao and others

... Petitioners

AND

The Mandal Revenue Officer, Parvatipuram Mandal, Vizianagaram District.

.... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1756 OF 2007

ORDER:

The petitioners who are twenty-seven (27) in number assail the orders/notices issued under Section 6 of the A.P.Land Encroachment Act, 1905 (the Act, for brevity). In brief, it is the case of the petitioners that they occupied small portion of land abutting the compound wall of bus depot of A.P.State Road Transport Corporation (APSRTC), Parvatipuram. They statedly raised small wooden kiosks for carrying on petty business. The petitioners allege that in November, 2003, APSRTC issued tender notification to lease out the shops that were constructed by APSRTC. Therefore, a proposal was mooted to evict all the petitioners to enable the APSRTC to construct shopping complex. As a result thereof, the respondent, namely, the Mandal Revenue Officer, Parvatipuram, issued orders under Section 6 of the Act without issuing any notice under Section 7 of the Act. Therefore, they filed the instant writ petition.

At the stage of Admission itself, the learned Assistant Government Pleader obtained instructions and also produced the file from the Office of the respondent. A perusal of the same would disclose that all the petitioners were issued notices under Section 7 of the Act and they did not submit any explanation. Therefore, orders are passed under Section 6 of the Act and when some of the petitioners refused to receive the orders, they are affixed to the premises of the petitioners. Therefore, this Court holds that the writ petition is filed making allegations, which are not correct. The copies of the orders, dated 21.01.2007, are handed over to the learned

counsel for the petitioners and it shall be open to the petitioners to file Appeals before the Revenue Divisional Officer concerned under Section 10 of the Act. As and when such Appeals are filed, they may be disposed of as expeditiously as possible preferably within a period of four weeks from the date of presentation of the Appeal. To enable the petitioners to obtain appropriate and suitable interlocutory/interim orders, there shall be *status quo* for a period of ten days.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

08.02.2007.
pln
Note: CC by 09.02.2007.
(By order)
pln